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TAGS: PGOV PREL IZ  
SUBJECT: AMBASSADOR PRESSES AL-MALIKI ON AL-MUTLAQ  
DISQUALIFICATION

Classified By: Ambassador Christopher R. Hill, for reasons 1.4 b and d.

¶1. (C) Summary: In a difficult January 12 meeting, Iraqi PM al-Maliki strongly defended the actions against Sunni politician Saleh al-Mutlaq, insisting that no one could intervene in the process and that those who worry about sectarian tensions are "blowing things out of proportion." In response to the Ambassador's questions about the lack of evidence to support the determination, the signs of political taint on what should be an administrative and legal process, and the risks of a political crisis erupting, the PM underscored the anti-Baathist strictures of the Constitution and Iraqi law. He dismissed the risk of any political crisis, insisting Mutlaq is not a national figure who could galvanize such a reaction. Maliki accused Mutlaq of conspiring with Damascus-based Iraqi Baathists and of demonstrating clear-cut Baathist affiliations in his other actions and public statements. The PM warned of the dangers that Baathists, whom he compared to Nazis, posed to the nascent democratic Iraqi political process, a danger that in his view was poorly understood by the American side. He insisted that the process involved two independent bodies, the Commission on Accountability and Justice (AJC) and the Independent High Electoral Commission and that the only recourse for resolving questions about the disqualification decision was for Mutlaq to appeal the decision to the Court of Cassation. In a sign of the multiple facets of Mutlaq's case, PM advisor Sadiq Rikabi, echoing a widespread view around Baghdad, insisted to Pol M/C, on the margins of the meeting, that Mutlaq's Iraqiyya coalition partner Iyad Allawi would be "one of the happiest people in Iraq" with Mutlaq's disqualification." End Summary.

BRUSHING ASIDE QUESTIONS ABOUT FAIRNESS OF THE PROCESS

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¶2. (C) In a strained January 12 meeting, the Ambassador pressed PM Maliki to take a close look at the possible disqualification of Sunni politician Saleh al-Mutlaq and consider ways to redress the situation. The Ambassador pointed to the three-line letter from the Accountability and Justice Commission (AJC) addressed to the electoral commission (IHEC) and noted, "this is not serious, it's politics." He also questioned the bona fides of the author of the letter, Ali Faisal al-Lami, noting that he had been detained by U.S. military forces for over a year on suspicion of collaborating with terrorists and may have been taking the current action at the behest of the Iranians. The Ambassador urged Maliki to "let the voters decide" the issue of whether al-Mutlaq was qualified to serve. He noted that Mutlaq had already been vetted in 2005 and allowed to serve four years in the Council of Representatives.

ACCUSING AL-MUTLAQ OF CONSPIRING WITH DAMASCUS

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¶3. (C) Betraying a tense, adversarial demeanor throughout most of the meeting, Maliki was adamant that Mutlaq had been

treated fairly and represented a danger to the Iraqi people. He brushed aside the questions about al-Lami and his association with Ahmed Chalabi and the Iranians, re-directing attention to the requirements of the Iraqi Constitution and law and to political views of Mutlaq. He claimed Mutlaq had lied in 2005 about his Baathist associations. Maliki also accused al-Mutlaq of predicting the entry of "40 Baathists" in the next COR and of standing up in Parliament and stating "I represent the Baathists." Mutlaq was working to bring OBAathists back to a position of political influence in Iraq. Maliki insisted that al-Mutlaq was working with Damascus-based Iraqi Baathists Izzat al-Duri and Mohammed Yunis al-Ahmed, and later in the conversation claimed that al-Mutlaq was engaged "in a conspiracy with Syria and others."

#### BAATHISTS A SERIOUS DANGER NOT APPRECIATED BY AMERICANS

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¶4. (C) Maliki pointed to statements made by Mutlaq political ally Dhafer al-Ani, who reportedly stated that any Iraqis who had "returned to Iraq with the Americans were traitors." The PM cited this and other statements to underscore that he and others in the GOI were very concerned about the Baath Party and the dangers it posed to Iraq. "They used to hide in the shadows, now they are becoming bolder," said al-Maliki, more open in their views. The PM warned that the Ba'athists were in his view an incredibly dangerous influence that was poorly understood by Americans. "You need to have lived in Iraq and be intimately familiar with its history to understand the political conspiracies these people are willing to engage in, and the problems they can cause."

#### CONTROVERSY PUTTING IHEC UNDER GREAT PRESSURE

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¶5. (C) The Ambassador pointed to the weakness of institutions like IHEC and the significant political pressure that the major political parties could apply to manipulate IHEC's decision-making. He warned the PM that he was putting such institutions under a great political strain. Underscoring the seriousness of the situation, the Ambassador warned that there could be a Sunni reaction and possibly a political crisis if there was a perception that political considerations had been unfairly injected into what should have been a transparent administrative and legal process.

#### LEGAL APPEALS THE ONLY OPTION

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¶6. (C) Maliki took issue with the remarks and asked whether the Ambassador was casting doubt on the entire Iraqi political process and its institutions, "for the sake of a Baathist sympathizer like al-Mutlaq." He expressed confidence that Iraqis would not view the disqualification of al-Mutlaq as partisan or exceptional. It was a normal part of the political process in the run-up to elections, he insisted, noting that IHEC has disqualified three people from his list. Da'wa planned to appeal the disqualifications in the normal way, Maliki said, and Mutlaq should do the same in his case. Warming to the notion of the appeals process, the PM insisted "there is no way out of this except through the normal legal process. No one can intervene, not me, not the President or anybody else." Maliki emphasized that Mutlaq could appeal the AJC's disqualification decision to a judicial panel formed of judges from the Court of Cassation, who he claimed would render a verdict "within 24 hours." (COMMENT: We have heard conflicting reports about whether this senior-level judicial panel has even been established. The latest information is that it has been constituted within the past week. END COMMENT.)

#### INSISTING AMERICAN SIDE IS OVERREACTING

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¶7. (C) The PM claimed that the American side was "blowing things out of proportion," overreacting to a politician like Mutlaq, who in Maliki's view was not a national figure whose

political fortunes could galvanize the Iraqi street.

(COMMENT: To reinforce the point that the American side was overreacting and misreading the political context of the Mutlaq controversy, PM advisor Sadiq Rikabi insisted to Pol M/C, on the margins of the meeting, that Mutlaq's Iraqiyya coalition partner Iyad Allawi would be "one of the happiest people in Iraq" about the disqualification, since it eliminated a major competitor for influence in his alliance. Rikabi's view is echoed around Baghdad. END COMMENT.)

ALSO REJECTING ANY ADMINISTRATIVE FIX

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¶18. (C) Citing the practicality of printing ballot lists, the Ambassador suggested the possibility of letting the candidacy of Mutlaq and others be provisionally certified by IHEC, with election "winners" to be vetted thoroughly for Baathist affiliations before they were seated. This would give IHEC the ability to proceed with ballot and candidate preparation and give the GOI time to shore up its de-Baathification procedures, ensuring all AJC members were COR-endorsed and hence had statutory authority to act (unlike at present). The PM ruled out such an effort, stating emphatically that the Constitution was clear that such vetting had to be done "for candidates," before the election, not afterwards.

LONG-STANDING RESENTMENT OF AL-MUTLAQ EVIDENT

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¶19. (C) Unprompted, Maliki insisted he had had no prior knowledge of the disqualification decision against Mutlaq. He made clear, however, that he had never accepted the legitimacy of al-Mutlaq's seating in the COR. "I held it against the Parliament that he was in their midst." Others, including the Kurds had eventually come around to his point of view, Maliki claimed. (Note: Indeed, President Talabani took a view similar to Maliki's when he talked to the Ambassador on Wednesday afternoon.) The PM pointed out that in 2008 Deputy Speaker Arif Tayfour, a Kurd, had lodged a complaint against Mutlaq with the COR oversight committee for de-Baathification issues. Maliki at several points compared Baathists to Nazis, saying that Iraqis viewed them the way respectable Germans viewed the Nazis. He made clear that just as Germany needed laws to protect against the rise of neo-Nazism, so Iraq needed its de-Baathification laws and constitutional prohibitions to afford protection against any Baathist resurgence.

¶10. (U) PM advisors Sadiq Rikabi, Tariq Abdullah, and Ali al-Dabbagh also attended the meeting.

HILL